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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,557	02/05/2004	Johnnie R. Crean	ALFALE.051A	3557

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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER
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GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/773,557

Applicant(s)

CREAN, JOHNNIE R.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Species A in the reply filed on 1/6/05 is acknowledged.
2. Claims 9-10, 20-21, and 29-30 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/6/05.

### *Specification*

3. The disclosure is objected to because of the following informalities:

On page 8, [0036], "139A" (both instances) should be "138a". Also "139B" should apparently be "138b". At [0037], line 3, "142b" should be "138b".

On page 9, [0038], line 5, "179A" should be "178a". On line 6, "179B" should instead be "178b" and "179C" should be "178c".

On page 10, [0040], line 5, "189A" should be "188a". At [0041], lines 1 and 4, "189B" should be "188b". On line 2, "139B" should be "138b".

On page 12, line 3, "179B" should be "178b". At [0047], lines 5 and 8, "179C" should be "178c".

On page 13, line 4, "179A" should be "178a". At [0049], line 3, "179A" should instead be "178a".

On page 14, [0052], line 4, "180" should be "170". Appropriate correction is required.

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4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

5. Claims 18 and 23-25 are objected to because of the following informalities:

In claim 18, line 1, "rotatable" should perhaps be deleted.

For claim 23, perhaps the first two lines should be "...wherein the recreational vehicle has a chassis..."

For claim 24, perhaps the first two lines should be "...wherein the recreational vehicle is a motorhome."

For claim 25, perhaps the first two lines should be "...wherein a deployment and retraction mechanism moves the slide-out room..." Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 12-13 are awkward in that it is unclear what two members or components the rotatable vertical movement member is interposed between.

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Claim 1 recites the limitations "the main level" in line 12 and "the housing" in line 13. There is insufficient antecedent basis for these limitations in the claim. Specifically no "main" level was previously recited. Additionally, it is unclear whether the "housing" refers to the main housing or the slide-out housing, both previously recited.

In claim 11, lines 13-14 are awkward in that it is unclear what two members or components the vertical movement member is interposed between.

Claim 11 recites the limitations "the main level" in line 13 and "the housing" in line 14. There is insufficient antecedent basis for these limitations in the claim. Specifically no "main" level was previously recited. Additionally, it is unclear whether the "housing" refers to the main housing or the slide-out housing, both previously recited.

Claim 22 recites the limitations "the main housing" in line 3, "a recreational vehicle" in line 3, "the floor" in line 4 (both occurrences), "the outer wall" in line 6, and "the floor space" in line 9. There is insufficient antecedent basis for these limitations in the claim.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-8, 11-19, 22-26, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by McManus et al. '669.

McManus et al. '669 disclose a recreational vehicle comprising: a main housing defining an interior living space having a floor (Figures 12 and 14) located at a first level wherein the main housing defines a first wall having an opening formed therein; a slide-out housing having a floor and an outer wall positioned within the opening in the first wall of the main housing, wherein the slide-out housing is adapted to be movable between a retracted position (Figure 14) wherein the floor of the slide-out housing is positioned at a second level above the first level of the floor of the main housing and the outer wall is positioned substantially adjacent the first wall of the main housing and a deployed position (Figure 12) wherein the outer wall is extended away from the first wall of the main housing and the floor of the slide-out housing is positioned at a third level below the second level so as to be more planar with the first level; and a rotatable vertical movement member 710 (Figures 41-42), wherein the rotatable vertical movement member is rotatable between a first orientation and a second orientation wherein the floor of the slide-out housing is at the second level when the rotatable vertical movement member is in the first orientation and at the third level when the rotatable vertical movement member is in the second orientation.

With regard to claim 2, the third level is co-planar with the first level.

With regard to claim 3, a chassis and a set of wheels is provided to permit rolling movement of the recreational vehicle over the ground.

With regard to claim 4, the recreational vehicle comprises a motorhome.

With regard to claim 5, a deployment and retraction mechanism moves the slide-out housing between the retracted and deployed positions.

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With regard to claim 6, the deployment and retraction mechanism comprises a housing member 140 that is mounted to the main housing and a telescoping member 144 that is mounted to the slide-out housing, and wherein the telescoping member outwardly extends from the housing member so as to deploy the slide-out housing from the main housing, and wherein the telescoping member extends within the housing member so as to retract the slide-out housing into the main housing.

With regard to claim 7, the rotatable vertical movement member comprises a cam assembly.

With regard to claim 8, the cam assembly includes a cam member that is rotatably mounted to the main housing so as to be rotatable between the first and second orientation.

For claim 11, McManus et al. '669 disclose a recreational vehicle comprising: a main housing defining an interior living space having a floor located at a first level wherein the main housing defines a first wall having an opening formed therein; an extendable room having a floor and an outer wall positioned within the opening in the first wall of the main housing, wherein the extendable room is adapted to be movable between a retracted position (Figure 14) wherein the floor of the extendable room is positioned at a second level above the first level of the floor of the main housing and the outer wall is positioned substantially adjacent the first wall of the main housing and a deployed position (Figure 12) wherein the outer wall is extended away from the first wall of the main housing and the floor of the extendable room is positioned at a third level below the second level so as to be more planar with the first level; and a vertical movement member 710 (Figures 41-42) positioned on the main housing adjacent the opening in the first wall of the main housing, and wherein the vertical movement member is rotatable between a first

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orientation and a second orientation wherein the floor of the extendable room is at the second level when the vertical movement member is in the first orientation and is at the third level when the vertical movement member is in the second orientation.

With regard to claim 12, the third level is co-planar with the first level.

With regard to claim 13, a chassis and a set of wheels to permit rolling movement of the recreational vehicle over the pound.

With regard to claim 14, the recreational vehicle comprises a motorhome.

With regard to claim 15, a deployment and retraction mechanism moves the extendable room between the retracted and deployed positions.

With regard to claim 16, the deployment and retraction mechanism comprises a housing member 140 that is mounted to the main housing and a telescoping member 144 that is mounted to the extendable room, and wherein the telescoping member outwardly extends from the housing member so as to deploy the extendable room from the main housing, and wherein the telescoping member extends within the housing member so as to retract the extendable room into the main housing.

With regard to claim 18, the rotatable vertical movement member comprises a cam assembly.

With regard to claim 19, the cam assembly includes a cam member that is rotatably mounted to the main housing so as to be rotatable between the first and second orientation.

For claim 22, McManus et al. '669 inherently disclose a method of moving a slide-out assembly of a recreational vehicle, the method comprising: positioning a slide-out room within the main housing of a recreational vehicle such that the floor of the slide-out room is positioned



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at a first level above the floor of the main housing and such that an outer wall of the slide-out room is positioned proximate to the outer wall of the main housing (Figure 14); moving the slide-out room into a deployed position (Figure 12) wherein the outer wall of the slide-out room is positioned distally from the outer wall of the main housing to thereby increase the floor space of the recreational vehicle; and rotating a cam member 710 (Figures 41-42) engaged with the slide-out room so as to lower the slide-out room from the first level to a second level which is more co-planar with the floor of the main housing than the first level.

With regard to claim 23, the recreational vehicle has a chassis and a set of wheels to permit rolling movement of the recreational vehicle over the ground.

With regard to claim 24, the recreational vehicle is a motorhome.

With regard to claim 25, a deployment and retraction mechanism moves the slide-out room between a retracted position and the deployed position.

With regard to claim 26, the deployment and retraction mechanism comprises a housing member 142 that is mounted to the main housing and a telescoping member 144 that is mounted to the slide-out room, and wherein the telescoping member outwardly extends from the housing member so as to deploy the slide-out room from the main housing, and wherein the telescoping member extends within the housing member so as to retract the slide-out room into the main housing.

With regard to claim 28, the cam member is rotatably mounted to the main housing so as to be rotatable between a first and second orientation.

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10. Claims 1-8 and 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Dewald, Jr. et al.

Dewald, Jr. et al. '351 disclose a recreational vehicle 10 (Figure 1) comprising: a main housing defining an interior living space having a floor located at a first level wherein the main housing defines a first wall having an opening formed therein; a slide-out housing 30 having a floor and an outer wall positioned within the opening in the first wall of the main housing, wherein the slide-out housing is adapted to be movable between a retracted position (solid lines of Figure 1 and Figure 2) wherein the floor of the slide-out housing is positioned at a second level above the first level of the floor of the main housing and the outer wall is positioned substantially adjacent the first wall of the main housing and a deployed position (dashed lines of Figure 1 and Figure 3) wherein the outer wall is extended away from the first wall of the main housing and the floor of the slide-out housing is positioned at a third level below the second level so as to be more planar with the first level; and a rotatable vertical movement member 52, wherein the rotatable vertical movement member is rotatable between a first orientation and a second orientation, wherein the floor of the slide-out housing is at the second level (Figure 2) when the rotatable vertical movement member is in the first orientation, and at the third level (Figure 3) when the rotatable vertical movement member is in the second orientation.

With regard to claim 2, the third level is co-planar with the first level.

With regard to claim 3, a chassis and a set of wheels is provided to permit rolling movement of the recreational vehicle over the ground.

With regard to claim 4, the recreational vehicle comprises a motorhome.

With regard to claim 5, a deployment and retraction mechanism moves the slide-out housing between the retracted and deployed positions.

With regard to claim 6, the deployment and retraction mechanism comprises a housing member that is mounted to the main housing and a telescoping member that is mounted to the slide-out housing, and wherein the telescoping member outwardly extends from the housing member so as to deploy the slide-out housing from the main housing, and wherein the telescoping member extends within the housing member so as to retract the slide-out housing into the main housing.

With regard to claim 7, the rotatable vertical movement member comprises a cam assembly.

With regard to claim 8, the cam assembly includes a cam member 52 that is rotatably mounted to the main housing so as to be rotatable between the first and second orientation.

The cam member is actuated by hydraulic rams (not shown) or other appropriate power devices.

For claim 22, Dewald, Jr. et al. '351 inherently discloses a method of moving a slide-out assembly of a recreational vehicle 10, the method comprising: positioning a slide-out room 30 within a main housing of the recreational vehicle such that the floor of the slide-out room is positioned at a first level above the floor of the main housing and such that an outer wall of the slide-out room is positioned proximate to the outer wall of the main housing; moving the slide-out room into a deployed position (Figure 3) wherein the outer wall of the slide-out room is positioned distally from the outer wall of the main housing to thereby increase the floor space of the recreational vehicle; and rotating a cam member 52 engaged with the slide-out room so as to

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lower the slide-out room from the first level to a second level which is more co-planar with the floor of the main housing than the first level.

With regard to claim 23, the recreational vehicle has a chassis and a set of wheels to permit rolling movement of the recreational vehicle over the ground.

With regard to claim 24, the recreational vehicle is a motorhome.

With regard to claim 25, a deployment and retraction mechanism moves the slide-out room between a retracted position and the deployed position.

With regard to claim 26, the deployment and retraction mechanism comprises a housing member that is mounted to the main housing and a telescoping member that is mounted to the slide-out room, and wherein the telescoping member outwardly extends from the housing member so as to deploy the slide-out room from the main housing, and wherein the telescoping member extends within the housing member so as to retract the slide-out room into the main housing.

With regard to claim 27, rotating the cam member vertically moves the slide-out room between the first and second level.

With regard to claim 28, the cam member is rotatably mounted to the main housing so as to be rotatable between a first and second orientation.

The cam member is actuated by hydraulic rams (not shown) or other appropriate power devices.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over McManus et al. as applied to claim 16 above, and further in view of Frerichs et al. '454.

McManus et al. lack the deployment and reaction mechanism comprising at least two housing members and two telescoping members, wherein the vertical movement member is interposed between the two telescoping members.

Frerichs et al. '454 teach a deployment and retraction mechanism for an extendable room of a recreational vehicle wherein the mechanism has at least two housing members 14 that are mounted to a main housing of the vehicle and at least two telescoping members 18 that are mounted to the extendable room. Additionally, a movement member (ramp and rollers 38) is provided.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided two housing members and two telescoping members as taught by ? on the recreational vehicle of McManus et al., and further to have positioned the vertical movement member therebetween the two telescoping members, in order to better support (and distribute the load of) the extendable room when moving from the retracted to the deployed positions and vice versa.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

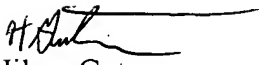
**or faxed to:**

(703) 872-9326, (for formal communications intended for entry)

**or:**

(703) 746-3515, (for informal or draft communications, please clearly label

“PROPOSED” or “DRAFT”).

  
Hilary Gutman  
February 16, 2005